

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PAMELA A. POPEJOY,

Plaintiff,

v.

BAE SYSTEMS, INC.

Defendants.

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CIVIL ACTION NO.

SA-09-CV-0616 XR

ORDER FOR ADDITIONAL INFORMATION

This order concerns plaintiff Pamela A. Popejoy’s motion to proceed *in forma pauperis*.¹ After reviewing the motion, I determined that Popejoy filed her motion in the wrong judicial district. This order directs Popejoy to file additional information to assist the court in identifying the proper judicial district.

Popejoy complains about unlawful gender discrimination under title VII and about a violation of the Equal Pay Act. A case based on federal law like title VII or the Equal Pay Act may “be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, . . . or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.”²

Popejoy named her former employer, BAE Systems, Inc., as defendant. Popejoy’s proposed complaint appears to name a second defendant—the Human Terrain System

¹Docket entry # 1.

²28 U.S.C. § 1391(b).

(HTS)—but the HTS is not an employer. The HTS is an Army program which embeds social scientists with combat brigades to assist the government in understanding foreign countries and regions prior to an engagement within that region.

Popejoy alleges that BAE Systems hired her as a social scientist for the HTS in Afghanistan. She explained that she trained for the HTS at Fort Leavenworth, Kansas, and planned to deploy to Afghanistan after she completed her training. Popejoy alleged that she learned that male social scientists were paid more than she was paid and that she was terminated after complaining about the pay disparity. Popejoy stated that she received a termination letter dated October 8, 2008.

Popejoy's proposed complaint contains no factual allegations implicating Texas. Because BAE Systems is headquartered in Rockville, Maryland, the District of Maryland may be the proper district. Popejoy's charge of discrimination suggests the Northern District of Alabama is also a proper district. Because Popejoy indicated she complained to Mike Morris in Huntsville, Alabama, and the EEOC sent a copy of Popejoy's charge of discrimination to Human Resources, BAE Systems, 308 Voyager Way, Huntsville, Alabama, the charge suggests the hiring and termination decisions were made in Huntsville. A copy of the hiring and termination letters would assist the court in determining where this case should be transferred.

The court ORDERS Popejoy to respond in writing by **August 21, 2009** by filing with the Clerk of Court a copy of her hiring and termination letters, and any other information she believes would assist the court in determining the proper judicial district for this case. If Popejoy fails to respond to this order by August 21, 2009, I will recommend dismissing this case for

failing to comply with an order of the court and for failing to prosecute.³

SIGNED on August 11, 2009.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

³See FED. R. CIV. P. 41(b) (permitting the defendant to move for dismissal on grounds the plaintiff failed to prosecute his case); *Gonzalez v. Firestone Tire & Rubber Co.*, 610 F.2d 241, 247 (5th Cir. 1980) (explaining that “a federal district court possesses the inherent authority to dismiss an action for want of prosecution”).